

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JEFFREY O'QUINN,

Plaintiff,

V.

DAVE RUEBHAUSEN, et al.,

Defendants.

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Civil No. **05-746-DRH**

ORDER

PROUD, Magistrate Judge:

By order dated May 11, 2006, plaintiff O'Quinn was ordered to show cause in writing by May 22, 2006, why he failed to participate in the scheduling and discovery process. **(Doc. 39)**. Plaintiff was warned that his case could be dismissed for want of prosecution if he failed to comply with that order. **(Doc. 39)**. A review of the record does not reveal any filing by plaintiff specifically addressed to the Court's show cause order. However, two documents referencing pending motions to dismiss appear to explain why plaintiff did not respond by the May 22, 2006, deadline: Docs. 45 and 46. Plaintiff was apparently arrested on May 18, 2006.

Plaintiff's incarceration will suffice as good cause for his failure to show cause in writing by the May 22, 2006, deadline. The Court also appreciates the fact that plaintiff is proceeding pro se. The Court perceives that plaintiff did not differentiate between the Court's warning about his case being dismissed for want of prosecution, and the pending motion to dismiss. The Court also notes that plaintiff has filed numerous documents recently, indicating that he is actively engaged in the prosecution of this case.

IT IS THEREFORE ORDERED that the Court deems its May 11, 2006, order to show cause **(Doc. 39) MOOT**.

IT IS SO ORDERED.

DATED: June 15, 2006

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE